WP(C) 4396/2004
BEFORE
THE HON'BLE MR. JUSTICE N.KOTISWAR SINGH

Heard Mrs. Pori Barma, learned counsel appearing for the petitioner.

The present writ petition has been filed challenging the suspension order dated 31.10.2003 by which the petitioner, who was serving as Joint Secretary to the Government of Assam , was placed under suspension on certain allegations pending drawal of disciplinary proceeding under Rule 6(1) of the Assam Services (Discipline & Appeal) Rules, 1964.

This Court vide order dated 29.7.2004 passed an interim order by which the aforesaid suspension order dated 31.10.2003 was suspended and also further directed that the petitioner shall be reinstated in service. This Court also had directed that the disciplinary authority may continue with the departmental proceeding proposed to be initiated against the petitioner.

Ms. R.Borah, learned Govt. Advocate appearing for the State respondents submits that she has no instruction as to the stage of the departmental proceeding, which was proposed to be initiated.

In view of fact that this Court had not placed any bar on the proceeding of the departmental enquiry and since the suspension order was stayed by this Court as far back as on 29.7.2004, which had remained without any challenge by the authorities, this Court is of the view that this writ petition can be disposed of by setting aside the aforesaid suspension order dated 31.10.2003, however, without any prejudice to the departmental proceeding, which was proposed against the petitioner.

The present writ petition stands disposed of accordingly.